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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,556	11/12/2003	Randy M. Stoler		8814

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FLIESLER MEYER LLP  
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EXAMINER
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MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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09/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/712,556	Applicant(s) STOLER, RANDY M.	
	Examiner James W. Myhre	Art Unit 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is in response to the initial filing on November 12, 2003.

Claims 1-21 are currently pending and have been considered below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7, 9-11, 13, 16, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Baus (4,750,151).

Claim 1 and 12: Baus discloses a system and method for directing customers to items within a store, comprising:

a. receiving by a computer a list of items from an input device (column 1, lines 10-14 and column 3, lines 44-54);

b. determining the location of the items within the store by retrieving the information from a database (column 3, lines 44-54); and

c. outputting the location information for each item to the user on an output device (column 3, lines 44-54).

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Claims 2 and 15: Baus discloses a system and method as in Claims 1 and 12 above, and further discloses determining and displaying an efficient routing path through the store (column 3, lines 44-54).

Claim 7: Baus discloses a system as in Claim 1 above, and further discloses a printer capable to generating a map with the item locations (column 6, lines 26-28).

Claim 9: Baus discloses a system as in Claim 1 above, and further discloses the database is located within the computer (shopping cart)(column 3, lines 34-39).

Claim 10: Baus discloses a system as in Claim 9 above, and further discloses updating the database from an external source (column 3, lines 29-31).

Claim 11: Baus discloses a system as in Claim 1 above, and further discloses the database is located external to the computer (central storage unit)(column 4, lines 31-35).

Claim 13: Baus discloses a method as in Claim 12 above, and further discloses presenting the user with items not on the list (spot-advertisements) (column 3, lines 60-64 and column 5, lines 35-39).

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Claim 16: Baus discloses a method as in Claim 12 above, and further discloses presenting information related to items on or not on the list (column 7, lines 1-7).

Claim 19 Baus discloses a method as in Claim 12 above, and further discloses that the system could be used for "exhibitions, museums, airports, etc.", i.e. services (column 2, lines 3-6).

Claim 20: Baus discloses a method as in Claim 12 above, and further discloses presenting the user with information that the store deems appropriate (which would encompass any type of information) (column 7, lines 1-7).

Claim 21: Baus discloses a method as in Claim 12 above, and further discloses receiving the information from a remote source (central storage unit)(column 4, lines 31-35).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 6, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baus (4,750,151).

Claims 3 and 4: Baus discloses a system as in Claim 1 above, but does not explicitly disclose presenting a credit card application to the user and receiving the completed application from the user. The Examiner notes that the exact type or nature of the information being provided is considered non-functional data per se and is given little, if any, patentable weight. However, since Baus discloses that various types of information may be presented to the user, such as information about the products, their use, spot advertisements, etc., it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide other types of assistance to the user to include a credit card application. One would have been motivated to provide and process a credit card application in order to allow the customer to increase the total purchase, especially if the items are high-end products such as computers, televisions, or other electronic items.

Claim 6: Baus discloses a system as in Claim 1 above, and further discloses that the system could be used for "exhibitions, museums, airports, etc." (column 2, lines 3-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a even ticketing system as part of the Baus system. One would have been motivated to provide a ticketing system in order to allow the user to access the exhibition or museum being displayed on Baus' location display.

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Claim 17: Baus discloses a method as in Claim 16 above, but does not explicitly disclose that the information is related to potential safety hazards. The Examiner notes that the exact type or nature of the information being provided is considered non-functional data per se and is given little, if any, patentable weight. However, since Baus discloses that various types of information may be presented to the user, such as information about the products, their use, spot advertisements, etc., it would have been obvious to one having ordinary skill in the art at the time the invention was made to include any information pertaining to safety hazards associated with the item. One would have been motivated to provide such pertinent information to the user in order to allow the user to make a better purchase decision, especially if the user has small children at home.

6. Claims 5, 8, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baus (4,750,151) in view of O'Hagan et al (6,314,406).

Claims 5 and 14: Baus discloses a system and method as in Claims 1 and 13 above and further discloses displaying spot-advertisements to the user, but does not explicitly disclose providing the user with a coupon. However, O'Hagan discloses a similar system and method for directing customers to items within a store that further discloses displaying advertising and coupons to the user (column 17, lines 8-18; column 20, lines 3-9; and column 23, lines 1-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a coupons in the

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spot-advertisements being displayed to the user in Baus. One would have been motivated to display coupons in order to further entice the user to purchase the item.

Claim 8: Baus and O'Hagan disclose the system and in Claim 5 above, and O'Hagan further discloses displaying the location of the items associated with the coupons (column 24, lines 24-48). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display the location of all items in Baus. One would have been motivated to include the items associated with the coupons in the location display in order to direct the customer to the more cost-efficient products.

Claim 18: Baus discloses a method as in Claim 12 above, and further discloses providing spot-advertisements to the user along with information about the items on the list (column 3, line 60-64), but does not explicitly disclose that the advertisements are for items not available within the store. However, O'Hagan discloses a similar method for directing customers to items within a store that further discloses presenting information to the user to allow the user to order items, such as "floral products, butcher shop products, bakery products or deli products" (column 19, lines 35-42) which may or may not be located within the same store. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present to the user in Baus information (spot-advertisements) pertaining to items not present in the store. One would have been motivated to include such items in the spot-



advertisements in Baus in order to decrease the cost of running the system for the store, since it is common practice within the advertising arts to receive payment for presenting another entity's advertisements.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Vela et al(4,882,724) discloses a system and method for displaying item locations within a shopping environment based on a list provided by the user.

b. Schkolnick et al (5,729,697) discloses a system and method for displaying item locations and other information within a shopping environment based on items selected by the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

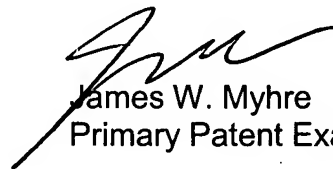
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JWM

September 14, 2007



James W. Myhre

Primary Patent Examiner